IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

Crl.Rev.Pet.No.220 of 1999(A)

CRL.A.78/1996 OF THE COURT OF SESSIONS JUDGE AT ALAPPUZHA.
C.C.5/1994 OF THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS-II, ALAPPUZHA.

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REVISION PETITIONER/APPELLANT/ACCUSED:-

OMANA SURENDRAN, W/O.V.P.SURENDRAN,
CHOOLAPURACKAL VEEDU, PONJIKKARA,
THIRUVALLA WARD, ALAPPUZHA.

BY ADV. SRI.R.HARIKRISHNAN
SRI.C.A.RAJEEV

RESPONDENTS/RESPONDENT/COMPLAINANT:-

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1. V.Z.JOB, PARTNERSHIP FIRM, MULLACKAL, ALAPPUZHA,
REPRESENTED BY ITS POWER OF ATTORNEY HOLDER,
V.VIDYADHARAN, VALIYAPARAMBIL HOUSE,
AVALOOKUNNU WARD,
ALAPPUZHA.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
R2 BY PUBLIC PROSECUTOR SRI.P.RAVEENDRA BABU.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 29/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.K.Bali,C.J.

Crl.R.P.No.220 of 1999-A

Dated, this the 29th day of November, 2006

ORDER

V.K. Bali, CJ. (Oral):

The petitioner has been held guilty under Section 138 of the Negotiable Instruments Act, 1881 as amended by Act 66 of 1988 and sentenced to undergo simple imprisonment for two months vide order dated 22nd March, 1996 passed by the Judicial Magistrate of First Class-II, Alappuzha. The appeal carried against the order aforesaid was dismissed by the learned Sessions Judge, Alappuzha vide order dated 23rd December, 1998. It is against these two orders that the present revision has been filed.

2. Nothing at all has been urged on the merits of the case. The learned counsel representing the petitioner, however, contends that this is an old matter and the petitioner is prepared to pay the cheque amount and the petitioner may not be sent to serve a jail term at this distance of time.

3. I have heard learned counsel for the parties and with their assistance, examined the records of the case. The petitioner cannot simply pay the same amount covered by the cheque at this stage and still ask for no punishment at all. She

has been held guilty for the offence in 1996. Considering the facts and circumstances of the case, this Court is of the view that interest of justice would be served if while upholding the order of conviction she is asked to pay to the first respondent in all an amount of Rs.85,000/- (Rupees eighty five thousand only), i.e. Rs.10,000/- in addition to the cheque amount of Rs.75,000/-. That extra amount of Rs.10,000/- is awarded as the punishment to her and be not sent to jail at this stage. Thus, while maintaining the order of conviction, instead of undergoing the jail term, the petitioner is directed to pay the amount as mentioned above, within three months from today. If, however, the petitioner may not pay the cheque amount plus the amount of Rs.10,000/- as ordered above, she would serve the sentence recorded by the Courts below.

The revision stands disposed of with the above modification.

V.K.Bali
Chief Justice

vku/-